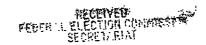
THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3233



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463



2017 FEB 14 PM 3: 05

February 14, 2017

MEMORANDUM

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer A PCO Staff Director

FROM:

Patricia C. Orrock PCO

Chief Compliance Officer

Debbie Chacona Assistant Staff Director Reports Analysis Division

BY:

Kristin D. Roser BH for KDR

Compliance Branch

SUBJECT:

Reason to Believe Recommendation -

Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to timely file 48hour notices with the Commission for contributions of \$1,000.00 or more received from the close of books for the Florida 12 Day Pre-Primary Report up to 48 hours before the August 30, 2016 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Bill McClure for Congress, represents a candidate who lost the Primary Election. The committee is being referred for failing to timely file 48-hour notices for contributions totaling \$50,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not filed.

In accordance with the schedule of civil money penalties outlined within 11 CFR § 111.44, this committee should be assessed the civil money penalty so indicated.

Recommendation

- 1. Find reason to believe that Bill McClure for Congress and Shawn Silva, in her official capacity as treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,695 be assessed.
- 2. Send the appropriate letter.

Attachment

Contributions for Which a 48-Hour Notice Was Not Received¹

AF 3233

Committee ID: C00614743

Committee Name: Bill McClure for Congress

Report Type: 2016 October Quarterly Report (08/11/2016 - 09/30/2016)

48-Hour Reporting Period: 08/11/2016 - 08/27/2016

CONTRIBUTOR	DATE	AMOUNT
ROTHENHAUSLER, ROB	8/11/2016	\$2,000.00
MCCLURE, WILLIAM A MR A MR.	8/15/2016	\$2,000.00
HUNTINGTON, GREG	8/17/2016	\$1,000.00
MCCLURE, WILLIAM A MR A MR.	8/19/2016	\$5,000.00
MCCLURE, WILLIAM A MR A MR.	8/22/2016	\$40,000.00
	TOTAL	\$50,000.00

Proposed Civil Money Penalty: \$5,695 ((5 Notices Not Filed at \$139 each) + (10% of the Overall Contributions Not Filed))

A 48-Hour Notice for all of these contributions was untimely filed on 8/30/16, the 2016 Primary Election date.

Federal Election Commission Reason to Believe Circulation Report 48-Hour Notification Report

Prev Violations Notices Not Filed LOA Penalty
0 55.000 \$5.895 AF# Conwrittee ID Committee Name State Election Candidate Name Treasurer 3233 C00614743 BILL MCCLURE FOR CONGRESS FL 2016 WILLIAM A MCCLURE SHAWN SILVA

Page 1 of 1

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	AF 3233
Reason to Believe Recommendation -)	
Failure to File 48-Hour Notices under the)	
Administrative Fine Program: Bill)	
McClure for Congress and Shawn Silva,)	
in her official capacity as Treasurer) [']	

CERTIFICATION

I, Dayna C. Brown, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 17, 2017, the Commission decided by a vote of 6-0 to take the following actions in AF 3233:

- 1. Find reason to believe that Bill McClure for Congress and Shawn Silva, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and make a preliminary determination that a civil money penalty of \$5,695 be assessed.
- 2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Dayna C. Brown

Acting Secretary and Clerk of the

Commission



FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

February 24, 2017

Shawn Silva, in official capacity as Treasurer Bill McClure for Congress 12541 Mission Hills Drive South Jacksonville, FL 32225

C00614743 AF#: 3233

Dear Mr. Silva:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, et seq. ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. Id. These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Bill McClure for Congress did not submit 48-Hour Notices for contributions of \$1,000 or more, received between August 11, 2016 and August 27, 2016, totaling \$50,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On February 17, 2017, the FEC found that there is Reason to Believe ("RTB") that Bill McClure for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$5,695. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. http://www.fec.gov/af/af.shtml. 11 CFR § 111.34. The amount of the civil money penalty is \$137 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$5,695 within forty (40) days of the finding, or by March 29, 2017.

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or March 29, 2017. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Bill McClure for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at http://www.fec.gov/af/af.shtml. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Sterier Swatter

Steven T. Walther

Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$5,695 for the 2016 Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox

FEC #979058

1005 Convention Plaza

Attn: Government Lockbox, SL-MO-C2GL

St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Bill McClure for Congress

FEC ID#: C00614743

AF#: 3233

PAYMENT DUE DATE: March 29, 2017

PAYMENT AMOUNT DUE: \$5,695

Contributions for Which a 48-Hour Notice Was Not Received¹

AF 3233

Committee ID: C00614743

Committee Name: Bill McClure for Congress

Report Type: 2016 October Quarterly Report (08/11/2016 - 09/30/2016)

48-Hour Reporting Period: 08/11/2016 - 08/27/2016

- CONTRIBUTOR	DATE	AMOUNT
ROTHENHAUSLER, ROB	8/11/2016	\$2,000.00
MCCLURE, WILLIAM A MR A MR.	8/15/2016	\$2,000.00
HUNTINGTON, GREG	8/17/2016	\$1,000.00
MCCLURE, WILLIAM A MR A MR.	8/19/2016	\$5,000.00
MCCLURE, WILLIAM A MR A MR.	8/22/2016	\$40,000.00
The second secon	TOTAL	\$50,000.00

Proposed Civil Money Penalty: \$5,695 ((5 Notices Not Filed at \$139 each) + (10% of the Overall Contributions Not Filed))

¹ A 48-Hour Notice for all of these contributions was untimely filed on 8/30/16, the 2016 Primary Election date.

FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

2817 SEP 15 PM 2: 28

September 15, 2017

MEMORANDUM

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer

Staff Director

FROM:

Patricia C. Orrock DC for PCO

Chief Compliance Officer

Debbie Chacona *DC*Assistant Staff Director
Reports Analysis Division

BY:

Kristin D. Roser

Reports Analysis Division

Compliance Branch

SUBJECT:

Administrative Fine Program - Final Determination Recommendation for the

Failure to File 48-Hour Notices

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to file or failure to timely file the appropriate 48-Hour Notices for the Florida 2016 Primary Election. The committee has not paid the civil money penalty requested at RTB and has been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

For your information, in accordance with recent guidance from the Commission's Office of General Counsel, the number of missing notices should be calculated by determining the minimum number of notices the Committee could have filed to cover the contributions in question, which would result in a lowered civil money penalty than that assessed at RTB. The amount of notices not filed was lowered to 4 (previously determined to be 5), thus the fine would be lowered from \$5,695 to \$5,556.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

9/12/2017 12:22 PM

Committee II.	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	§	LOA RTB Date RTB Perially	RTB Penalty	lty Days Since RTB	FD Penalty
C00614743	FOR CONGRESS	<u>.</u>	2016	WILLIAM A.	SHAWN SILVA	0	4	\$50,000	7102/11/20	\$5,695	207	.92,556

^{*} Since the RTB finding, the number of missing notices has been recalculated by determining the minimum number of notices the Committee could have filed to cover the contributions in question, which resulted in a lower civil money penalty.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
	j.	AF 3233
Administrative Fine Program - Final)	
Determination Recommendation for the)	
Failure to File 48-Hour Notices: Bill)	
McClure for Congress and William A.)	
McClure in his official capacity as)	
treasurer)	

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 19, 2017, the Commission decided by a vote of 5-0 take the following actions in AF 3233:

- 1. Make a final determination that Bill McClure for Congress and William A. McClure in his official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a final civil money penalty of \$5,556.
- 2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Dayna C. Brown

Secretary and Clerk of the Commission



September 20, 2017

Shawn Silva, in official capacity as Treasurer Bill McClure for Congress 12541 Mission Hills Drive South Jacksonville, FL 32225

C00614743 AF#: 3233

Dear Ms. Silva:

On February 17, 2017, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Bill McClure for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to file 48-Hour Notices for contributions of \$1,000 or more, received between August 11, 2016 and August 27, 2016, totaling \$50,000. By letter dated February 24, 2017, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$5,695 in accordance with the schedule of penalties at 11 CFR § 111.44. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on September 19, 2017 that Bill McClure for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assessed a civil money penalty in the amount of \$5,556 in accordance with 11 CFR § 111.44.

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. §30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Aimee Wechsler at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,

Steven Swatter

Steven T. Walther

Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.44, the civil money penalty is \$5,556 for the 2016 Primary Election 48-Hour Notification Report. The payment is due within 30 days of receipt of this letter.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission PO Box 979058 St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Bill McClure for Congress.

FEC ID#: C00614743

AF#: 3233

PAYMENT AMOUNT DUE: \$5,556

THIS IS THE **END** OF ADMINISTRATIVE FINE CASE # 3233